

REMARKS

Claims 51, 53 and 61-65 have been canceled, and claims 28 and 52 have been amended. Applicants reserve the right to pursue the original claims and other claims in this application and other applications. Claims 1-50, 52, 54-60 and 66-76 are pending in this application.

Applicants gratefully acknowledge the allowance of claims 1-27, 55-60 and 66-76.

Claims 28, 40, 48 and 61 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ediger et al. (US 2001/0032190). Claims 28 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Sansone (US 6,574,000). Claims 29-39, 41-47, 49-52, 54 and 62-65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ediger et al. Claim 53 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 28 has been amended to include the limitations of claim 53 and intervening claim 51. As indicated by the Office Action, claim 28 as amended should now be allowable over the prior art of record. Claims 29-50, 52 and 54, dependent upon claim 28, are allowable along with claim 28 and on their own merits.

With respect to the rejection of claims 29-39, 41-47, 49-52 and 54, although these rejections are rendered moot in view of these claims being dependent upon claim 28 (which as indicated above should now be allowable), Applicants submit the following remarks. The Examiner has relied upon Official Notice for virtually every limitation of claims 29-39, 41-47, 49-52 and 54. Applicants respectfully traverse the Office Action's taking of Official Notice without any documentary evidence to support such a conclusion. It is not appropriate to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well known. Furthermore, it is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the records, as the principal evidence upon which a rejection was based. *In re Zurko*, 258 F.3d 1379, 1385, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001). The

Office Action has not provided any documentary evidence or any technical line of reasoning underlying a decision to take such notice for such features as required. Applicants respectfully submit that the facts asserted to be well known, or to be common knowledge in the art, are not capable of instant and unquestionable demonstration as being well known and therefore taking Official Notice of such facts is not appropriate.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims of this case are in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

/Brian A. Lemm/
Brian A. Lemm
Reg. No. 43,748
Attorney for Applicants
Telephone (203) 924-3836

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000